

# EXHIBIT 5

**From:** [Peter Curtin](#)  
**To:** [Kyle D. Stroup](#); [Nathan F. Studeny](#); [Jon W. Groza](#); [Jon J. Pinney](#)  
**Cc:** [Yichen Cao](#); [Campbell, Jay R.](#); [Ostrowski, Carter S.](#); [Elliot Mendelson](#)  
**Subject:** RE: NOCO v. Aukey, et al., 1:20-cv-02322 (ND Ohio) - Aukey's Rule 30(b)(6) Deposition Notice to NOCO  
**Date:** Friday, December 22, 2023 4:30:00 PM  
**Attachments:** [NOCO v. Aukey - Rule 30\(B\)\(6\) Deposition Notice to The NOCO Company.pdf](#)

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Hello Counsel –

As discussed, please find attached a copy of Aukey's Rule 30(b)(6) Deposition Notice to NOCO. We've left the dates and times open for discussion for the reasons set forth in earlier messages.

Best regards –

Pete Curtin  
Peter J. Curtin, Partner  
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Tel: 1.240.432.3267

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**From:** Peter Curtin  
**Sent:** Wednesday, December 20, 2023 8:44 PM  
**To:** Kyle D. Stroup <[kds@kjk.com](mailto:kds@kjk.com)>; Nathan F. Studeny <[nfs@kjk.com](mailto:nfs@kjk.com)>; Jon W. Groza <[jwg@kjk.com](mailto:jwg@kjk.com)>; Jon J. Pinney <[jjp@kjk.com](mailto:jjp@kjk.com)>  
**Cc:** Yichen Cao <[ycao@analectslegal.com](mailto:ycao@analectslegal.com)>; Campbell, Jay R. <[Jay.Campbell@tuckerellis.com](mailto:Jay.Campbell@tuckerellis.com)>; Ostrowski, Carter S. <[Carter.Ostrowski@tuckerellis.com](mailto:Carter.Ostrowski@tuckerellis.com)>; Elliot Mendelson <[emendelson@analectslegal.com](mailto:emendelson@analectslegal.com)>  
**Subject:** RE: NOCO v. Aukey, et al., 1:20-cv-02322 (ND Ohio) - Deposition Notices for Discussion

Hello Kyle and All –

As previewed in one of my earlier messages, and in advance of our conference regarding transition of counsel, scheduling issues and deadlines tomorrow, we have attached three deposition notices for NOCO employees in their individual capacities. The proposed deposition dates have been left open for discussion by the parties.

If we had to list the proposed deposition dates now, the dates would be January 2<sup>nd</sup> (for Weideman) and January 3<sup>rd</sup> (for Nook), but it makes more sense for both sides to: (a) schedule the individual depositions for later in an agreed-upon further-extended fact discovery period; and (b) coordinate the individual depositions with NOCO's Rule 30(b)(6) deposition because these

three witnesses are all likely corporate representatives.

Moreover, Aukey cannot be expected to depose Mr. Weiner (or to conduct a Rule 30(b)(6) deposition of NOCO on damages issues) within the current discovery deadlines. We have completed our initial review of NOCO's November 22, 2023, document production and it appears to us that NOCO has not produced a single document or piece of information related to the unit sales, sales revenue, COGS, or profits of NOCO's jump starters during the period of time relevant to this case (or any other period of time). If we are wrong about this, please identify the relevant documents by Bates-number.

We are also preparing a Rule 30(b)(6) Notice of Deposition to NOCO that we will serve before the end of this week.

Best Regards –

Pete Curtin  
Peter J. Curtin, Partner  
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**From:** Kyle D. Stroup <[kds@kjk.com](mailto:kds@kjk.com)>  
**Sent:** Friday, November 10, 2023 6:17 PM  
**To:** Peter Curtin <[pcurtin@analectslegal.com](mailto:pcurtin@analectslegal.com)>  
**Cc:** Yichen Cao <[ycao@analectslegal.com](mailto:ycao@analectslegal.com)>; Campbell, Jay R. <[Jay.Campbell@tuckerellis.com](mailto:Jay.Campbell@tuckerellis.com)>; Petruzzi, Anthony R. <[anthony.petruzzi@tuckerellis.com](mailto:anthony.petruzzi@tuckerellis.com)>; Jon J. Pinney <[jjp@kjk.com](mailto:jjp@kjk.com)>; Jon W. Groza <[jwg@kjk.com](mailto:jwg@kjk.com)>; Nathan F. Studeny <[nfs@kjk.com](mailto:nfs@kjk.com)>; Ostrowski, Carter S. <[Carter.Ostrowski@tuckerellis.com](mailto:Carter.Ostrowski@tuckerellis.com)>  
**Subject:** RE: NOCO v. Aukey, et al., -- Proposed ESI Search Terms for NOCO

Pete:

Please find the attached correspondence and NOCO's Amended Initial Disclosures, Supplemental Responses to Aukey's First Set of Interrogatories, and Rule 30(b)(6) notices for discussion (with Word versions as well).

Thank you,

## KYLE D. STROUP

Associate | KJK

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**From:** Peter Curtin <[pcurtin@analectslegal.com](mailto:pcurtin@analectslegal.com)>

**Sent:** Wednesday, September 27, 2023 9:19 PM

**To:** Kyle D. Stroup <[kds@kjk.com](mailto:kds@kjk.com)>

**Cc:** Yichen Cao <[ycao@analectslegal.com](mailto:ycao@analectslegal.com)>; Campbell, Jay R. <[Jay.Campbell@tuckerellis.com](mailto:Jay.Campbell@tuckerellis.com)>; Petruzzi, Anthony R. <[anthony.petruzzi@tuckerellis.com](mailto:anthony.petruzzi@tuckerellis.com)>; Jon J. Pinney <[jjp@kjk.com](mailto:jjp@kjk.com)>; Jon W. Groza <[jwg@kjk.com](mailto:jwg@kjk.com)>; Nathan F. Studeny <[nfs@kjk.com](mailto:nfs@kjk.com)>; Ostrowski, Carter S. <[Carter.Ostrowski@tuckerellis.com](mailto:Carter.Ostrowski@tuckerellis.com)>

**Subject:** Re: NOCO v. Aukey, et al., -- Proposed ESI Search Terms for NOCO

Hi Kyle - Further to our emails earlier today, our team is available for a call tomorrow afternoon. Does 3PM Eastern/2 PM Central work for your team? If not, please propose another time.

Pete Curtin

Sent from my iPhone

On Sep 26, 2023, at 1:02 PM, Kyle D. Stroup <[kds@kjk.com](mailto:kds@kjk.com)> wrote:

Pete:

We wanted to follow up here regarding some time this week for a phone call to discuss discovery. Please let us know what works best for your team.

Sincerely,

**KYLE D. STROUP**

Associate | KJK

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